

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SANTIAGO CANALES,

Plaintiff

Case No. 3:24-cv-00020-ART-CSD

ORDER

v.

E.S.P., *et al.*,

Defendants

I. DISCUSSION

On January 28, 2024, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee by March 18, 2024. (ECF No. 6). The Court also directed Plaintiff to file a complaint. (*Id.*).

Plaintiff filed a motion for an extension to file a complaint, and later filed a complaint. (ECF Nos. 7, 8). Plaintiff subsequently filed a motion for appoint of counsel (ECF No. 9). At the end of the motion for appointment of counsel, Plaintiff included a financial certificate and a 6-month trust fund account statement. (*Id.* at 11-18). However, Plaintiff has never filed an actual application to proceed *in forma pauperis* on this Court's approved form. The Court grants Plaintiff's motion for an extension to file the complaint and accepts the complaint filed at ECF No. 8. However, Plaintiff must still file an application to proceed *in forma pauperis* on this Court's approved form.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma**

1 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly
2 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is
3 page 4 of the Court’s approved form, that is properly signed by both the inmate and a
4 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**
5 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
6 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
7 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
8 See 28 U.S.C. § 1915(b).

9 **II. CONCLUSION**

10 For the foregoing reasons, it is ordered that Plaintiff’s motion for an extension to
11 file the complaint (ECF No. 7) is granted. The Court accepts the complaint filed at ECF
12 No. 8.

13 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
14 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
15 information and instructions for filing an *in forma pauperis* application.

16 It is further ordered that Plaintiff has **until June 7, 2024**, to either pay the full \$402
17 filing fee or file an application to proceed *in forma pauperis* on this Court’s approved form.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
20 to refile the case with the Court, under a new case number, when Plaintiff can file a
21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22
23 DATED THIS 8th day of May 2024.

24 
25 _____
26 UNITED STATES MAGISTRATE JUDGE
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28